

The Smithfield Planning Commission held its regular meeting on Tuesday, November 12th, 2013. The meeting was called to order at 7:30 p.m. Members present were Ms. Virginia Smith, Chair, Mr. Bill Davidson, Vice Chair; Mr. Michael Swecker, Ms. Julia Hillegass, Mr. Larry Odom, Mr. Randy Pack, and Mr. Charles Bryan. Staff members present were Mr. William T. Hopkins III, Director of Planning, Engineering and Public Works; Mr. William H. Riddick III, Town Attorney and Mr. Joseph Reish, Planning Technician. There were three (3) citizens present.

Chair Smith – I will call the November 12th, 2013 Planning Commission meeting to order. If everyone will stand, we will say the Pledge of Allegiance.

Everyone present stood and recited the Pledge of Allegiance.

Chair Smith – For anyone who would like to remain standing, Mr. Davidson will offer a word of prayer.

Vice Chair Davidson – Lord, as this commission meets again tonight, we ask for guidance and the gift of discernment as we discuss items that affect the citizens and the Town of Smithfield. Amen.

Chair Smith – The first item on the agenda is the Director of Planning, Engineering & Public Works Activity Report.

Director of Planning, Engineering & Public Works - We had a pre-application involving Smithfield Foods parking area. They planned to add on approximately sixty to seventy parking spaces and some of it will be on town property behind the Veteran's Memorial and the Smithfield Little Theatre. Right now that is on hold as of yesterday. The Dollar General is proposing to build another store on West Main Street near James Chapman's Funeral Home. We had a pre-application on it. I am not sure when that will come back to us. It may be a couple of months depending on how they work things out with VDOT on the entrance. As far as the zoning ordinance amendments, Mr. Saunders and I have met on several occasions to discuss several items in our ordinance that we would like to bring to your attention for amendments and corrections.

Chair Smith – The next item on the agenda is Upcoming Meetings and Activities. On November 18th and 19th at 4:00 p.m. the Town Council Committee will meet. The Board of Historical and Architectural Review will meet at 7:30 p.m. on November 19th. The Town offices will be closed on November 28th and 29th for the Thanksgiving

Holiday. Town Council meeting is on December 3rd at 7:30 p.m. The next Planning Commission meeting is on December 10th at 7:30 p.m. Next item on the agenda is Public Comments. The public is invited to speak on any matter except items that are scheduled for public hearing. Hearing none, we will close public comments. The next item is Planning Commission Comments. Does anyone have any comments? The next item is a Public Hearing – Special Sign Exception – 1617 South Church Street – Gary and Gayle Terwilliger, applicants. Could we have a staff report please?

Director of Planning, Engineering & Public Works – The property is located at 1617 South Church Street on the corner of Smithfield Boulevard and South Church Street. There have been a lot of improvements made to the building. The property is zoned Highway Retail Commercial (HRC). They are here tonight for a special sign exception. Some of you may be familiar with the sign from years ago. That particular sign as of right now does not meet the set back from the right-of-way line. It is supposed to be a minimum of ten feet from the right-of-way. It is currently 4.4 feet from the right-of-way line. They are proposing to cut off three feet of it on the front side and add two feet to the backside. Therefore it would go from 4.4 feet from the right-of-way line to 7.4 feet from the right-of-way line. It will be 2.6 feet lacking to meet the ten foot requirement. The size of the sign and the height meets the requirements. Everything on this involves the setback from the right-of-way line. I would like to point out that we did meet with VDOT at the site. As far as sight distance it meets their standards.

Chair Smith – The public hearing is now open. Does anyone from the public wish to speak? There being no one to speak, the public hearing is closed.

Mr. Terwilliger – Mr. Gary Terwilliger. I live at 10 Oak Alley in Smithfield. This sign has kind of been a battle from the beginning. Staff did not really want it there and they tried to come up with some alternatives for us. There really is no easy alternative to situate it differently without getting into the driveway. If we did that we would have to change curbs and travel lanes. If you stand at the intersection you have 5 ½ seconds from the time they hit the sight line in the middle of road to the time that they finally get to Smithfield Boulevard. The intersection is really dangerous. If you look at the photograph you can see the car that is pulled in front of the stop line. Nobody stops at the stop line. So the sight lines instead of 350 feet are probably like 500 to 600 feet. The

danger with the intersection is when you are waiting to turn left people come on you right side to turn right and you cannot see. I would like to ask Mr. Hopkins if he has had any complaints from anyone about the yellow box that has been sitting there for the last five months.

Director of Planning, Engineering & Public Works – No sir.

Mr. Terwilliger – It is sitting right in the sight line. The sign that was there has been there for twenty-five years. The top would have to be removed to get the monument base down so that it could be grandfathered. It has been there for a long time.

Chair Smith – Do you mean the Daily Press sign?

Mr. Terwilliger – Yes.

Chair Smith – The public hearing is closed. Are there any questions from the Planning Commission? I have lived on Smithfield Boulevard for eleven years while the Daily Press was active. I never had a sight line problem with the Daily Press sign which was situated closer to the road. It was not a sight line problem but simply just a dangerous intersection. There has been a fatality there in the past. I must say that it did not come from the sign itself. With the applicant willing to move it back while it is still encroaching then I think that it is a good compromise.

Vice Chair Davidson – I have been contacted by several people that live in that area. They are very concerned with this sign. They have seen the problems at that particular intersection. I understand that they are going to move it back but it still does not meet the code. I have some reservations based on that.

Mr. Pack – VDOT said it was clear of the line of sight. I worked with Mr. Terwilliger on this to try to help them. They made some compromises to move the sign back to get it as close to the requirements as they could. If we do not pass this then basically we have to make it a one lane road in front of the building. They would have to remove curb and gutter. With all of the improvements that they have made to the building I consider it a reasonable exception to come out 2.6 feet into the easement.

Vice Chair Davidson – I understand what you are saying. I agree that there have been compromises made but I still have concerns.

Mr. Bryan – Is the sign grandfathered?

Town Attorney – The sign is not there anymore.

Chair Smith – It is a brand new sign.

Mr. Bryan – The base is there.

Chair Smith – Correct but the signage is new. According to the ordinance a new signage has to meet the current ordinances.

Mr. Bryan – Does the base have to be moved?

Town Attorney – The base would have to be moved.

Chair Smith – The base is encroaching within the ten foot section

Mr. Bryan – Is that grandfathered in?

Town Attorney – No. What you have to consider is that this property is a redevelopment of an existing building. The ordinances and the design criteria at the time all of which have changed since the time the building was built. If they were starting over today then the building would be situated further back and they could relocate the driveway. They could have easily met the current standards. Under the current zoning ordinance when you start over then the sign is not grandfathered. It is suppose to meet the current ordinances unless you make findings that would permit them an exception that they are asking for.

Chair Smith – Are there any other comments?

Ms. Hillegass – I am a big fan of this project. What they have done looks amazing. The building is such an improvement. The sign is also a good improvement. I will make a motion that we approve as presented.

Town Attorney – For the record, if there is going to be a motion in that regard to grant an exception, it would be appropriate and required to state on the record the factors that would lead you to consider approval of an exception. If you look in your staff report where it says adverse effects, basically you have to find factors that you have considered tonight that lead you to believe that the proposed sign will not adversely affect the health, safety, and welfare of persons residing or working in the area. It will not unreasonably impair the character the district or adjacent districts or be incompatible with the general plans and objectives of the Comprehensive Plan of the Town of Smithfield or likely to impair the value of the buildings or property in the area and to be in substantial accordance with the ordinance. The sign is going to be approved in

accordance with the ordinance. The geometric requirements and size meet that provision. For the record, you would need to state something that you heard tonight that leads you to believe that an exception is appropriate. It can be the information that Mr. Hopkins gave you about VDOT, the prior use of the property, or something along those lines that lead you to believe that it is an appropriate situation in which to grant an exception.

Chair Smith – Does anyone else wish to speak on this before we consider a motion?

Ms. Hillegass – Based on the improvements to the sight line as documented by VDOT and the improvements to the property, I will move that we approve as presented.

Mr. Pack – Second.

Chair Smith – A motion has made and properly seconded that we grant this special sign exception. All in favor signify by saying aye, opposed say nay.

On call for the vote, seven members were present. Mr. Bryan voted aye, Vice Chair Davidson voted nay, Ms. Hillegass voted aye, Mr. Odom voted aye, Mr. Pack voted aye, Mr. Swecker voted nay, and Chair Smith voted aye. There were two votes against the motion. The motion passed.

Chair Smith – The motion passed. The building is lovely. Next we have Approval of the April 9th, 2013 Meeting Minutes.

Town Attorney – Madam Chair and members of the Planning Commission, I recommend that the minutes be approved with minor corrections.

Mr. Pack – So moved.

Vice Chair Davidson – Second.

Chair Smith – All in favor say aye, opposed say nay.

On call for the vote, seven members were present. Mr. Bryan voted aye, Vice Chair Davidson voted aye, Ms. Hillegass voted aye, Mr. Odom voted aye, Mr. Pack voted aye, Mr. Swecker voted aye, and Chair Smith voted aye. There were no votes against the motion. The motion passed.

Chair Smith – The minutes have been approved. Next is Approval of the May 14th, 2013 Meeting Minutes.

Town Attorney – I recommend that the minutes be approved as presented.

Mr. Pack – So moved.

Vice Chair Davidson – Second.

Chair Smith – All in favor say aye, opposed say nay.

On call for the vote, seven members were present. Mr. Bryan voted aye, Vice Chair Davidson voted aye, Ms. Hillegass voted aye, Mr. Odom voted aye, Mr. Pack voted aye, Mr. Swecker voted aye, and Chair Smith voted aye. There were no votes against the motion. The motion passed.

Chair Smith – Is there any old business? The meeting is adjourned.

The meeting adjourned at 7:47 p.m.

Ms. Virginia Smith
Chair

Mr. William T. Hopkins III
Director of Planning, Engineering and
Public Works